

To: Dermer, Michele[Dermer.Michele@epa.gov]; Moffatt, Brett[Moffatt.Brett@epa.gov]
Cc: McWhirter, Lisa[McWhirter.Lisa@epa.gov]; Engelman, Alexa[ENGELMAN.ALEXA@EPA.GOV]
From: Albright, David
Sent: Thur 5/12/2016 9:56:23 PM
Subject: RE: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

EPA's checklist is merely a helpful guideline to the information that EPA is likely to need to consider an AE. Frankly, it is not clear to me why we would need to know the owner's name (or other personal information about a water well owner) in order to consider an AE request. We need DW well information, and details about the wells, not about the owners. In some rare circumstance where we needed to know who the well owner is (can't think of what that would be off the top of my head), then we would handle that situation appropriately, and in accordance with state and federal laws. I remember taking out the request for "well owner" from the AG letter, and my recommendation would be to tell CA that we do not need that information as a standard part of their submittal (despite what it says on Peter's checklist). We always reserve the right to request any information from the state, including confidential information, if needed for a legitimate purpose, but this seems like a bunch of unnecessary confidential information that we would be better off without. Am I missing something?

From: Dermer, Michele
Sent: Thursday, May 12, 2016 2:44 PM
To: Moffatt, Brett <Moffatt.Brett@epa.gov>
Cc: McWhirter, Lisa <McWhirter.Lisa@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Albright, David <Albright.David@epa.gov>
Subject: RE: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

So EPA's checklist requires owners names, and California's law requires redaction. Advice?

From: Moffatt, Brett
Sent: Thursday, May 12, 2016 2:42 PM
To: Dermer, Michele <Dermer.Michele@epa.gov>; Albright, David <Albright.David@epa.gov>
Cc: McWhirter, Lisa <McWhirter.Lisa@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>
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OK. That law was amended last year to allow for release of water well completion reports, but DWR still has to comply with California's Info Practices Act, which like the federal Privacy Act,

restricts the release of private information. DWR interprets this to require redaction of owner names from well completion reports requested by the public. So DOGGR is presumably following DWR's requirements.

Btw, no one could recall why the legislature made well reports confidential in 1965.

Brett Moffatt

US EPA, Region 9, ORC

(415) 972-3946

From: Dermer, Michele
Sent: Thursday, May 12, 2016 1:02 PM
To: Albright, David <Albright.David@epa.gov>; Moffatt, Brett <Moffatt.Brett@epa.gov>
Cc: McWhirter, Lisa <McWhirter.Lisa@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>
Subject: RE: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

Yes, water wells. The issue, as he explained it, is that to get the information from the Department of Water Resources, DOGGR had to swear they will keep the information confidential. I am still waiting for what Jerry comes up with so we can determine how to handle.

From: Albright, David
Sent: Thursday, May 12, 2016 12:53 PM
To: Moffatt, Brett <Moffatt.Brett@epa.gov>
Cc: McWhirter, Lisa <McWhirter.Lisa@epa.gov>; Dermer, Michele <Dermer.Michele@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>
Subject: Re: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

I believe the confidential well data are for the water supply wells.

Sent from my iPhone

On May 12, 2016, at 12:50 PM, Moffatt, Brett <Moffatt.Brett@epa.gov> wrote:

This confidentiality issue came up sometime earlier - here is what DOGGR's FAQ page says -

To be considered for confidential status, a well must be classified as an exploratory well, or there must be extenuating circumstances (defined in regulation as conditions beyond the control of the operator, preventing the operator from utilizing the competitive advantage from the information obtained from a well). Extenuating circumstances include, but are not limited to active competitive leasing or mineral rights sales in the immediate vicinity of the well; governmental or judicial action delaying oil, gas, or geothermal development; natural disasters; or scarcity of materials and equipment. Onshore wells are granted confidentiality for a two-year period, and offshore wells are granted confidentiality for a five-year period (with the possibility of extensions).

We will have to see what Jerry sends and the reasons given, since it's not clear to me how competitive advantage is affected if the other necessary information from an AE package is public.

Brett Moffatt

US EPA, Region 9, ORC

(415) 972-3946

From: McWhirter, Lisa

Sent: Thursday, May 12, 2016 11:31 AM

To: Dermer, Michele <Dermer.Michele@epa.gov>; Albright, David <Albright.David@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Moffatt, Brett <Moffatt.Brett@epa.gov>

Cc: Shari.Ring@cadmusgroup.com; Anna Weber <Anna.Weber@cadmusgroup.com>; Montgomery, Michael <Montgomery.Michael@epa.gov>; Rao, Kate <Rao.kate@epa.gov>

Subject: RE: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

I have not downloaded the documents from the CD and have not viewed any of the items deemed confidential. I am not sure why well ownership would be deemed confidential? Don't permits include the owners information?

From: Dermer, Michele
Sent: Thursday, May 12, 2016 2:18 PM
To: Albright, David <Albright.David@epa.gov>; McWhirter, Lisa <McWhirter.Lisa@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Moffatt, Brett <Moffatt.Brett@epa.gov>
Cc: Shari.Ring@cadmusgroup.com; Anna Weber <Anna.Weber@cadmusgroup.com>; Montgomery, Michael <Montgomery.Michael@epa.gov>; Rao, Kate <Rao.kate@epa.gov>
Subject: RE: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

All, and in particular, David, Lisa, Alexa and Brett,

I had a call from Jerry Salera yesterday, who said he would followup with an email, but has not done so as yet.

He wanted to address the confidentiality of some of the information in the Round Mountain AE package, and how it would be different than the package posted on the website.

The information regarding the well owner is redacted on the version posted on the website. What we have includes the well owner's names. This is information the state considers confidential and should not have been given to EPA. Peter's checklist requests it, so we have an issue to address as far as our review. Jerry said in the future we will either get completed packages with the information included and a request to keep well ownership confidential, or the information redacted. He indicated that they had mistakenly published the ownership information on the website for AG, but this time they caught it. He requested we not circulate the version we have. So please, if you have a copy of the Round Mountain package, don't send it out until we get a read on what to do about the state's request to keep well ownership information confidential.

Once I get Jerry's email I will forward it and ask for advice from ORC. And from Lisa regarding the need for ownership information (requested by EPA in the memo but), do we really need it to approve an exemption? Coffman, Joel Coffman.Joel@epa.gov

Thanks, Michele

From: Albright, David
Sent: Thursday, May 12, 2016 9:36 AM
To: Dermer, Michele <Dermer.Michele@epa.gov>; Coffman, Joel <Coffman.Joel@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Moffatt, Brett <Moffatt.Brett@epa.gov>; Montgomery, Michael <Montgomery.Michael@epa.gov>; Rao, Kate <Rao.kate@epa.gov>
Subject: FW: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

In case you have not seen this.

From: Comments@DOC [<mailto:Comments@conservation.ca.gov>]
Sent: Thursday, May 12, 2016 9:32 AM
To: Comments@DOC <Comments@conservation.ca.gov>
Subject: ROUND MOUNTAIN AQUIFER EXEMPTION PUBLIC HEARING NOTICE

The California Department of Conservation, Division of Oil, Gas, and Geothermal Resources, with concurrence of the State Water Resources Control Board, is considering a proposal to expand the current aquifer exemption designation for the Jewett and Pyramid Hill sands of the Freeman-Jewett Formation, the Vedder Formation, and the Walker Formation in the Round Mountain Oil Field (in unincorporated Kern County, approximately ten miles northeast of central Bakersfield). Subject to approval by the US Environmental Protection Agency, the proposed aquifer exemption would allow the State, in compliance with the federal Safe Drinking Water Act, to approve Class II injection into the identified area, either for enhanced oil recovery or for injection disposal of fluids associated with oil and gas production.

Please see the attached Notice for further information regarding the Aquifer Exemption proposal.